



Senate

File No. 753

General Assembly

February Session, 2008

(Reprint of File No. 129)

Substitute Senate Bill No. 272
As Amended by Senate Amendment Schedule
"A" and House Amendment Schedule "A"

Approved by the Legislative Commissioner
April 28, 2008

AN ACT CONCERNING SHORTHAND REPORTERS AND THE REGISTRATION OF LOCKSMITHS.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 20-656 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The board, after a hearing conducted in accordance with chapter
4 54 and regulations adopted pursuant to subsection (a) of section 21a-9
5 of the 2008 supplement to the general statutes, may suspend or revoke
6 the license of a shorthand reporter if the holder of such license: (1) Has
7 been convicted of a felony, subject to the provisions of section 46a-80,
8 or (2) has been found by the board to have: (A) Knowingly made a
9 false, misleading or deceptive representation relating to his or her
10 work as a shorthand reporter, or (B) violated any regulation adopted
11 pursuant to this chapter.

12 (b) Any person who has had a license suspended or revoked
13 pursuant to subsection (a) of this section may reapply to the board for
14 reinstatement of such person's license immediately after the license

15 suspension period has elapsed or not earlier than ninety days after the
16 license has been revoked.

17 (c) In addition to any action that may be taken by the board
18 pursuant to subsection (a) of this section or subsection (c) of section
19 21a-9 of the 2008 supplement to the general statutes, the board may
20 suspend or revoke the license of a shorthand reporter under
21 subdivision (7) of section 21a-7 for:

22 (1) Failing to deliver a transcript to a client or a court in a timely
23 manner;

24 (2) Producing an incomplete transcript, except upon the order of a
25 court, agreement of the parties or request of a party;

26 (3) Failing to charge all parties or their attorneys the same rate for
27 like services performed in a proceeding, including any charge for a
28 copy of the transcript;

29 (4) Failing to notify all parties or their attorneys of a request for all
30 or part of a transcript in sufficient time for copies to be prepared and
31 delivered to such parties or attorneys simultaneously with the delivery
32 of the original request;

33 (5) (A) Giving, directly or indirectly, any gift, incentive, reward or
34 other thing of value to an attorney, the attorney's clients, or the
35 representatives or agents of such attorney or clients, or (B) directly or
36 indirectly benefiting from or being employed as a result of any gift,
37 incentive, reward or other thing of value given by any person to an
38 attorney, the attorney's clients, or the representatives or agents of such
39 attorney or clients;

40 (6) The reporting of any proceeding where the licensed shorthand
41 reporter is a relative of a party to the proceeding or an attorney
42 representing a party to the proceeding within the second degree by
43 affinity or consanguinity; [or]

44 (7) The reporting of any proceeding where the licensed shorthand

45 reporter has a financial interest in the proceeding or is associated with
46 a firm which has a financial interest in the proceeding; or

47 (8) Producing a materially inaccurate transcript.

48 (d) A shorthand reporter licensed pursuant to this chapter shall
49 display his or her shorthand reporter license number on any business
50 card, stationery, transcript, advertisement or other document used by
51 such reporter and pertaining to his or her practice of shorthand
52 reporting.

53 (e) The board may, after a hearing conducted in accordance with
54 chapter 54 and regulations adopted pursuant to subsection (a) of
55 section 21a-9 of the 2008 supplement to the general statutes, impose a
56 civil penalty of not more than one thousand dollars on any person who
57 violates any provision of this chapter or any regulation adopted
58 pursuant to this chapter or impose such civil penalty on any person
59 who wilfully employs or supplies for employment or as an
60 independent contractor a person who engages in the practice of
61 shorthand reporting in this state in violation of section 20-652.

62 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) As used in this section:

63 (1) "Branch" means any business location of a locksmith, other than
64 the principal place of business of such locksmith.

65 (2) "Commissioner" means the Commissioner of Consumer
66 Protection.

67 (3) "Department" means the Department of Consumer Protection.

68 (4) "Locksmith" means a person engaged in locksmithing.

69 (5) "Locksmithing" means the inspection, installation,
70 recombination, rekeying, service or repair of locks or locking devices,
71 but does not include: (A) The recombination or rekeying of locks or
72 cylinders by an employee of a retail or wholesale establishment on an
73 employer's property; (B) the installation or repair of locks by a person

74 registered pursuant to chapter 393c of the general statutes or registered
75 pursuant to chapter 400 of the general statutes incidental to the
76 construction of a building; (C) the installation, maintenance, repair or
77 service of a vending machine; (D) the duplication or selling of keys or
78 selling of equipment used to duplicate keys at a retail establishment; or
79 (E) work performed by a person at such person's own residence.

80 (6) "Registration" means a document or card issued by the
81 Department of Consumer Protection to a locksmith which certifies that
82 such locksmith has completed an application form, paid the required
83 registration fee, has successfully passed the required criminal history
84 records check, is not otherwise barred from becoming a locksmith and
85 has been added to the registry of locksmiths, as established in
86 subsection (b) of this section.

87 (b) (1) A person seeking registration as a locksmith shall apply to
88 the commissioner on a form provided by the commissioner. The
89 application shall include the applicant's name, residence address,
90 business address, business telephone number, a question as to whether
91 the applicant has been convicted of a felony in any state or jurisdiction,
92 and such other information as the commissioner may require. The
93 applicant shall submit to a request by the commissioner for a recent
94 criminal history records check. No registration shall be issued unless
95 the commissioner has received the results of a such records check. In
96 accordance with the provisions of section 46a-80 of the general statutes
97 and after a hearing held pursuant to chapter 54 of the general statutes,
98 the commissioner may revoke, refuse to issue or refuse to renew a
99 registration when an applicant's criminal history records check reveals
100 the applicant has been convicted of a crime of dishonesty, fraud, theft,
101 assault, other violent offense or a crime related to the performance of
102 locksmithing.

103 (2) The application fee for registration as a locksmith and the
104 biennial renewal fee for such registration shall be two hundred dollars.

105 (3) The department shall establish and maintain a registry of

106 locksmiths. The registry shall contain the names and addresses of
107 registered locksmiths and such other information as the commissioner
108 may require. Such registry shall be updated at least annually by the
109 department, be made available to the public upon request and be
110 published on the department's Internet web site.

111 (4) No person shall engage in locksmithing, use the title locksmith
112 or display or use any words, letters, figures, title, advertisement or
113 other method to indicate said person is a locksmith unless such person
114 has obtained a registration as provided in this section.

115 (5) The following persons shall be exempt from registration as a
116 locksmith, but only if the person performing the service does not hold
117 himself or herself out to the public as a locksmith: (A) Persons
118 employed by a state, municipality or other political subdivision, or by
119 any agency or department of the government of the United States,
120 acting in their official capacity; (B) automobile service dealers who
121 service, install, repair or rebuild automobile locks; (C) retail merchants
122 selling locks or similar security accessories or installing, programming,
123 repairing, maintaining, reprogramming, rebuilding or servicing
124 electronic garage door devices; (D) members of the building trades
125 who install or remove complete locks or locking devices in the course
126 of residential or commercial new construction or remodeling; (E)
127 employees of towing services, repossessioners, or an automobile club
128 representative or employee opening automotive locks in the normal
129 course of his or her business. The provisions of this section shall not
130 prohibit an employee of a towing service from opening motor vehicles
131 to enable a vehicle to be moved without towing, provided the towing
132 service does not hold itself out to the public, by directory
133 advertisement, through a sign at the facilities of the towing service or
134 by any other form of advertisement, as a locksmith; (F) students in a
135 course of study in locksmith programs approved by the department;
136 (G) warranty services by a lock manufacturer or its employees on the
137 manufacturer's own products; (H) maintenance employees of a
138 property owner or property management companies at multifamily
139 residential buildings, who service, install, repair or open locks for

140 tenants; and (I) persons employed as security personnel at schools or
141 institutions of higher education who open locks while acting in the
142 course of their employment.

143 (c) (1) Each person engaging in locksmithing shall: (A) Exhibit such
144 person's registration or a copy thereof at the person's place of business
145 and any branch, in a location visible to the general public, (B) exhibit
146 such person's registration upon request by any interested party, and
147 (C) include such person's registration number in any advertisement.

148 (2) No person shall: (A) Present or attempt to present, as such
149 person's own, the registration of another, (B) knowingly give false
150 evidence of a material nature to the commissioner for the purpose of
151 procuring a registration, (C) represent himself or herself falsely as, or
152 impersonate, a registered locksmith, (D) knowingly use or attempt to
153 use a registration which has expired or which has been suspended or
154 revoked, (E) offer to undertake any locksmith service without having a
155 current registration required under this chapter, (F) represent in any
156 manner that such person's registration constitutes an endorsement of
157 the quality of such person's workmanship or of such person's
158 competency by the commissioner, (G) employ or allow any person to
159 act as a salesman on such person's behalf unless such salesman is in
160 the direct employ of such person, or (H) represent or advertise a
161 location or branch as a place of business without obtaining the right to
162 occupy such location.

163 (d) Registrations issued to locksmiths pursuant to this section shall
164 not be transferable or assignable.

165 (e) All registrations issued under the provisions of this section shall
166 expire biennially.

167 (f) Failure to receive a notice of registration expiration or a renewal
168 application shall not exempt a locksmith from the obligation to renew
169 his or her registration.

170 (g) The commissioner may adopt regulations, in accordance with

171 chapter 54 of the general statutes, to carry out the provisions of this
172 section.

173 (h) The commissioner may conduct investigations and hold
174 hearings on any matter subject to the provisions of this section. The
175 commissioner may issue subpoenas, administer oaths, compel
176 testimony and order the production of books, records and documents
177 in connection with such investigations. If any person refuses to appear,
178 to testify or to produce any book, record, paper or document when so
179 ordered, upon application of the commissioner or the Attorney
180 General, a judge of the Superior Court may make such order as may be
181 appropriate to aid in the enforcement of this section. The Attorney
182 General, at the request of the commissioner, is authorized to apply in
183 the name of the state of Connecticut to the Superior Court for an order
184 temporarily or permanently restraining and enjoining any person from
185 violating any provision of this section.

186 (i) The commissioner may revoke, suspend, place conditions on, or
187 refuse to renew a registration issued pursuant to this section for: (1)
188 Conduct of a character likely to mislead, deceive or defraud the public
189 or the commissioner; (2) engaging in any untruthful or misleading
190 advertising; (3) unfair or deceptive business practices; (4) gross
191 incompetence; or (5) violations of any of the provisions of this section
192 or any regulation adopted pursuant to any of such provisions.

193 (j) The commissioner may, after notice and hearing in accordance
194 with the provisions of chapter 54 of the general statutes, impose a civil
195 penalty on any person who engages in or practices the work or
196 occupation for which a registration is required by this section without
197 having first obtained such a registration, or who wilfully employs or
198 supplies for employment a person who does not have such a
199 registration, or who wilfully and falsely pretends to qualify to engage
200 in or practice such work or occupation, or who engages in or practices
201 any of the work or occupations for which a registration is required by
202 this section after the expiration of such person's registration, or who
203 violates any of the provisions of this section or the regulations adopted

204 pursuant thereto. Such penalty shall be in an amount not more than
205 five hundred dollars for a first violation of this subsection, not more
206 than seven hundred fifty dollars for a second violation of this
207 subsection occurring not more than three years after a prior violation,
208 and not more than one thousand five hundred dollars for a third or
209 subsequent violation of this subsection occurring not more than three
210 years after a prior violation. Any penalty collected pursuant to this
211 subsection shall be deposited in the consumer protection enforcement
212 account established in section 21a-8a of the general statutes.

213 (k) A violation of any of the provisions of this section shall be
214 deemed an unfair or deceptive trade practice under subsection (a) of
215 section 42-110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	20-656
Sec. 2	October 1, 2008	New section

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Consumer Protection, Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential minimal revenue gain due to the addition of grounds on which the State Board of Examiners of Shorthand Reporters may impose discipline and the allowance for a \$1,000 civil penalty for violating provisions of the shorthand reporter law.

Senate "A" (LCO 3825) and House "A" (LCO 4604) are technical and/or have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 272 (File 129, as amended by Senate “A” and House “A”)******AN ACT CONCERNING SHORTHAND REPORTERS.*****SUMMARY:**

This bill (1) adds to the grounds on which the State Board of Examiners of Shorthand Reporters may impose discipline, (2) allows the board to impose a civil penalty of up to \$1,000, and (3) requires licensed shorthand reporters to display their license number on business documents.

The bill also requires locksmiths to register with the Department of Consumer Protection (DCP). It establishes registration procedures, requires a \$200 registration fee, sets grounds for discipline, and authorizes discipline.

*Senate Amendment “A” prohibits someone from reapplying for a license for 90 days after a license revocation rather than requiring that the reapplication be made within 90 days.

*House Amendment “A” adds the provisions concerning locksmiths.

EFFECTIVE DATE: October 1, 2008

SHORTHAND REPORTERS***Discipline***

This bill authorizes the board to suspend or revoke a shorthand reporter’s license after a hearing for:

1. knowingly making a false, misleading, or deceptive presentation relating to employment as a shorthand reporter;

2. violating regulations relating to shorthand reporting; or
3. a felony conviction in accordance with the law on denial of a state credential based on prior conviction (see BACKGROUND).

The bill allows anyone who has had a license revoked or suspended on these grounds, but not on other grounds for disciplinary action, to apply for reinstatement (1) no earlier than 90 days after a revocation or (2) immediately after the suspension period has elapsed.

The law already allows the board to take disciplinary actions, including license suspension and revocation, on specified grounds, such as failing to deliver a transcript to a client or court in a timely manner or producing an incomplete transcript. The bill adds producing a materially inaccurate transcript as a ground for disciplinary action.

License Numbers

The bill requires each shorthand reporter to display his or her license number on business cards, stationery, transcripts, advertisements, or other practice-related documents.

Civil Penalty

The bill authorizes the board to impose, after a hearing, a civil penalty of up to \$1,000 for:

1. violating any provision of the shorthand reporter law, as amended by the bill or
2. willfully employing or supplying for employment, as an employee or an independent contractor, a person who engages in the practice of shorthand reporting in this state in violation of the law requiring shorthand reporters to be licensed.

LOCKSMITHING

The bill requires anyone engaged in locksmithing to register with DCP. The application fee and the biennial renewal fee are \$200 each. It

prohibits anyone who is not registered from engaging in locksmithing; using the title “locksmith;” or using any words, letters, figures, title, advertisement, or other method to indicate he or she is a locksmith. Registrations are not transferable or assignable. The bill requires registered locksmiths to renew their registration even if they did not receive a notice of expiration or a renewal application.

“Locksmithing” is inspecting, installing, recombining, rekeying, servicing, or repairing locks or locking devices.

The bill authorizes DCP to adopt implementing regulations.

Registration

The bill requires applicants to apply in writing to DCP on a form the commissioner provides. The application must include: the applicant's name; residence and business addresses; and business telephone number, whether they have been convicted of a felony in any state or jurisdiction, and other DCP-required information.

The bill requires applicants to agree to a recent criminal history records check and prohibits DCP from registering an applicant without the results of such a check. The bill authorizes the commissioner to revoke or refuse to issue or renew a registration if an applicant's criminal history records check reveals that the applicant has been convicted of a crime of dishonesty, fraud, theft, assault, other violent offense, or a crime related to engaging in locksmithing in accordance with the law on denial of a state credential based on a prior conviction and after a hearing held according to the Uniform Administrative Procedures Act (UAPA) (see BACKGROUND).

Registry

The bill requires DCP to establish a locksmith registry containing the names and addresses of registered locksmiths and other information determined by the DCP commissioner. It must be (1) updated at least annually, (2) available to the public upon request, and (3) published on DCP's website.

Locksmith Requirements

The bill requires registered locksmiths to (1) display their registration, or a copy of it, at their place of business and at any branch where it is visible to the public; (2) show it on request; and (3) include their registration number in advertisements. The bill defines “registration” as a DCP-issued document or card that certifies that the locksmith (1) has completed an application form and paid the registration fee, (2) successfully passed the required criminal history records check, (3) is not otherwise barred from becoming a locksmith, and (4) has been added to the registry of locksmiths.

Prohibited Activities

The bill prohibits:

1. presenting or attempting to present another’s registration as one’s own;
2. knowingly giving false evidence of a material nature to the DCP commissioner to obtain a registration;
3. representing himself or herself falsely as a registered locksmith;
4. knowingly using or attempting to use an expired, suspended, or revoked registration;
5. offering to perform a locksmith service without having a current registration;
6. representing in any way that a registration constitutes an endorsement of the quality of workmanship or competency by the DCP commissioner;
7. employing or allowing a person to act as a salesman unless he or she is directly employed by the locksmith; or
8. advertising a location or branch as a place of business without having the right to occupy it.

Enforcement

The bill authorizes DCP to (1) investigate and hold hearings on any matter related to locksmith registration and (2) issue subpoenas, administer oaths, compel testimony, and order the production of documents as part of the investigations.

The bill authorizes the DCP commissioner or the attorney general to apply to Superior Court for appropriate enforcement orders if anyone refuses to appear, testify, or produce any document when ordered. The bill authorizes the attorney general, at the commissioner's request, to apply to Superior Court for temporary or permanent restraining orders.

Grounds for Discipline

The bill authorizes DCP to revoke, suspend, place conditions on, or refuse to renew a registration for:

1. conduct likely to mislead, deceive, or defraud the public or the commissioner;
2. engaging in any untruthful or misleading advertising;
3. unfair or deceptive business practices;
4. gross incompetence; or
5. violating any provision of the locksmith registration law.

Penalties

The bill empowers the DCP commissioner, after notice and hearing held in accordance with the UAPA, to impose a civil penalty on any person who:

1. engages in locksmithing without a registration,
2. willfully employs or supplies for employment an unregistered person,

3. willfully and falsely pretends to qualify as a locksmith,
4. engages in locksmithing with an expired registration, or
5. violates any provisions of the locksmithing registration law.

The penalty may be (1) up to \$500 dollars for a first violation, (2) up to \$750 for a second violation occurring within three years after a prior violation, and (3) up to \$1,500 for a third or subsequent violation occurring within three years after a prior violation. Proceeds from imposing these penalties must be deposited in the Consumer Protection Enforcement Account (see BACKGROUND).

Additionally, the bill makes a violation of its locksmith registration provisions an unfair trade practice.

Exempt Activities and Individuals

The bill exempts the following activities:

1. recombining or rekeying locks or cylinders by a retail or wholesale employee on an employer's property;
2. installing or repairing locks by a registered major contractor or home improvement contractor incidental to the construction of a building;
3. installing, maintaining, repairing, or servicing a vending machine;
4. selling or duplicating keys or selling key-duplicating equipment by a retail store; and
5. working on one's own residence.

It additionally exempts the following people, if they do not represent themselves as locksmiths:

1. people employed by a state, municipality, or other political subdivision, or by a federal agency or department, acting in

- their official capacity;
2. automobile service dealers who service, install, repair, or rebuild automobile locks;
 3. retail merchants selling locks or similar security accessories or installing, programming, repairing, maintaining, reprogramming, rebuilding, or servicing electronic garage door devices;
 4. members of the building trades who install or remove complete locks or locking devices in the course of residential or commercial new construction or remodeling;
 5. employees of towing services, repossessioners, or an automobile club representative or employee opening automotive locks in the normal course of his or her business. (The bill specifies that it exempts towing service employees who open a motor vehicle to move it without towing.);
 6. locksmithing students in DCP-approved programs;
 7. warranty services by a lock manufacturer on its own products;
 8. maintenance employees of property owners or property management companies at multi-family residential buildings, who service, install, repair, or open locks for tenants; and
 9. security personnel at schools or institutions of higher education who open locks in the course of their employment.

BACKGROUND

Felony Conviction

The law provides that no one may be disqualified from practicing or engaging in any profession or trade for which a credential is required solely because of a prior conviction unless the credentialing agency considers (1) the nature of the crime and its relationship to the job, (2) the degree of rehabilitation, and (3) the time since the conviction or

release and determines that the applicant is not suitable for the specific profession or trade (CGS § 46a-80).

Consumer Protection Enforcement Account

The statutorily established account is funded with revenue generated from imposing fines for licensing law violations and with up to \$400,000 per year from the Home Improvement Guaranty Fund. DCP must use the account “to fund positions and other related expenses” to enforce the licensing and registration laws it administers (CGS § 21a-8a).

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. The act also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/04/2008)

Judiciary Committee

Joint Favorable

Yea 29 Nay 0 (04/11/2008)